

REMARKS

The Office Action of April 5, 2006 has been studied in detail along with the references applied and cited by the Examiner. The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and reconsideration of the application are respectfully requested.

THE OFFICE ACTION

Claims 14-16 and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weigel et al. (U.S. Patent No. 3,099,326) in view of Schlaphoff (U.S. Patent No. 2,696,272)

Claims 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weigel et al., in view of Schlaphoff, and further in view of Fekete et al.

REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 14-16 and 20-22 under 35 U.S.C. §103(a) as being unpatentable over Weigel et al. (U.S. Patent No. 3,099,326) in view of Schlaphoff (U.S. Patent No. 2,696,272).

As the Examiner is aware, Applicant, in independent claim 14, recites a plurality of mounting components adapted for mounting an associated vehicle engine on the frame adjacent the front rail wherein the vehicle engine is mounted between the primary side rails and rearwardly of the front rail. Applicant's invention provides the stability and mounting arrangement for an associated vehicle engine, and also provides for the support and mounting arrangement of a single front wheel assembly.

The Examiner acknowledges and states that "Weigel et al. does not disclose that a front

rail also joins the secondary side rails, wherein the engine is mounted adjacent the front rail between the primary side rails and rearwardly of the front rail, and that the support bars are also mounted to an upper edge of the front rail". The Examiner then relies upon Schlaphoff for disclosing a front rail that joins secondary side rails wherein the engine is mounted adjacent the front rail between the primary side rails and rearwardly of the front rail.

In contrast to the Examiner's assertions, Schlaphoff does not disclose a front rail that joins secondary side rails, wherein the engine is mounted adjacent the front rail. In particular, Schlaphoff discloses a motor scooter frame having a front portion 11 and a rear portion 12. "The front portion 11 comprises a central longitudinal member 13 and longitudinal side members 14 and 15. These longitudinal members extend from a transverse member 16 and are attached to a steering head 18. An intermediate transverse member 17 is attached to the longitudinal members 13, 14 and 15, and serves to strengthen the forward end of the portion 11".

Schlaphoff further describes "tubular members which make up the frame of the rear part 12, define the margins of a generally box-like open work structure. The side surfaces of this open work structure are generally trapezoidal in form and are joined by transverse members 29, 31, and 32. Diagonal braces 33 extend from the member 29 to points near the lower rear corners of the portion 12. A bed plate generally indicated by the numeral 34 is clamped to the lower side frame number 35. An internal combustion engine 36 is mounted upon the bed plate 34" (refer to columns 1 and 2). As shown and described, the internal combustion engine 36 mounted on the bed plate 34 is positioned in the rear part 12 of the motor scooter frame. As such, Schlaphoff does not show nor describe an engine mounted adjacent a front rail. In particular, the front rail 17 is distal to and spaced from the rear portion 12 which includes the bed plate for supporting the engine 36 mounted thereto.

Combining Weigel with Schlaphoff, even though not suggested, would not result in a

frame arrangement wherein an associated vehicle engine is mounted adjacent to and rearwardly of a front rail.

Applicant's frame arrangement is not anticipated nor made obvious by Weigel et al. in view of Schlaphoff. Applicants submit that the pending independent claim 14, and all claims dependent therefrom, are allowable over the record art for at least the reasons set forth above. Applicants accordingly request reconsideration and allowance thereof.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges that the Examiner has allowed claims 1-13 and 23-25.

DRAWINGS

The Examiner noted that color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a) (2) is granted.

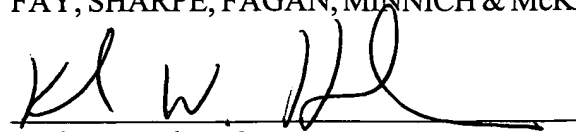
Applicant encloses a petition under 37 CFR 1.84(a)(2) including the appropriate fee set forth in 37 CFR 1.17(h), three sets of color photographs, and an amendment to include reference to the color photographs as the first paragraph of the brief description of the drawings section in the specification.

CONCLUSION

Each issue raised in the Office Action mailed April 5, 2006 has been addressed. The present amendment merely cancels claims, adopts the Examiner's suggestions, removes issues for appeal, or in some other way requires only a cursory review by the Examiner. If a telephone call would clear up any minor matter, the Examiner is invited to call the undersigned.

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP



Karl W. Hauber, Esq.
Reg. No. 52,999
1100 Superior Avenue,
Seventh Floor
Cleveland, Ohio 44114-2518
216/861-5582

CERTIFICATE OF MAILING

I certify that this Amendment After Final and accompanying document(s) are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number 703-872-9306 under 37 C.F.R. 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date <i>July 5, 2006</i>

Signature <i>Adeline Machado</i>
Printed Name Adeline Machado